

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEITH M. PETTY,

Plaintiff,

v.

PA-C. SHOJAEI, et al.,

Defendants.

Case No. EDCV 12-1220 JAK (SS)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, the parties' respective Motions for Summary Judgment, all the records and files herein, the Report and Recommendation of the United States Magistrate Judge, and Plaintiff's Objections. After having made a de novo determination of the portions of the Report and Recommendation to which Objections were directed, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge.

The Court specifically notes that despite Plaintiff's Objection that Defendant failed to respond to discovery requests, the record reflects that Plaintiff never properly served timely

1 requests during the discovery period. Therefore, no responses
2 were ever due. (See Report and Recommendation at 24-25).
3 Furthermore, even though the Magistrate Judge took the
4 extraordinary measure of re-opening discovery after the Report
5 and Recommendation issued specifically to allow Plaintiff one
6 final opportunity to propound discovery and file a supplemental
7 brief based on that discovery, Plaintiff neither filed a
8 supplemental brief nor requested an extension of time in which to
9 do so by the Court's deadline.

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11 Accordingly, **IT IS ORDERED** that Defendant Normand Blier's
12 Motion for Summary Judgment is GRANTED, and Plaintiff's Motion
13 for Summary Judgment is DENIED.

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15 **IT IS FURTHER ORDERED** that the above-captioned action is
16 dismissed with prejudice as to Defendant Blier and without
17 prejudice as to unserved Defendants C. Shojaei, John Almond and
18 Gary Chaney.

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20 The Clerk of the Court is directed to serve copies of this
21 Order and the Judgment herein on Plaintiff and on counsel for
22 Defendant.

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24 DATED: December 23, 2014



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JOHN A. KRONSTADT
26 UNITED STATES DISTRICT JUDGE
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